



MURIEL GOODE-TRUFANT
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 Church Street
NEW YORK, NY 10007

JOSEPH ZANGRILLI
Phone: (212) 356-2657
Fax: (212) 356-3509
jzangril@law.nyc.gov
Senior Counsel

February 3, 2025

BY ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Robert Lee Murray v. City of New York, et al.,
21-CV-6718 (LJL)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and counsel for Defendant City of New York in the above-referenced matter. I write respectfully to request that all pending deadlines in this matter be held in abeyance for 30 days, until March 5, 2025, to allow Defendant City to amend its Valentin response and provide accurate information to Plaintiff regarding the identification of individual defendants. Plaintiff consents to this request.

By way of background, this action stems from an incident that allegedly occurred during Plaintiff's intake at Rikers Island. In the City's Valentin response dated September 27, 2024 (ECF No. 108), we identified several correction officers based on our understanding that the incident occurred on November 15, 2020, as stated in Plaintiff's Second Amended Complaint (ECF No. 103). Upon further investigation, including the recent discovery and review of video footage of the incident, we have determined that the initial Valentin response requires correction. Of the individuals previously identified, only Correctional Officer Gary Davis was actually involved in the alleged incident complained of by Plaintiff. The other individuals appear to have been improperly identified based on Anna M. Kross Center ("AMKC") legal schedules.

This determination stems from new information regarding Plaintiff's arrival date at Rikers Island. While Plaintiff had stated the incident occurred the day after his arrival, we recently learned from an examination of his DOC inmate movement history that he arrived on November 13th, not November 14th as originally believed. This information enabled our office, working in conjunction with DOC's legal liaison, to locate video footage of a search involving Plaintiff. While the video in no way supports Plaintiff's claim, it appears to relate to the incident he describes.

From this video, we have now positively identified four individuals who were present during Plaintiff's search:

- Captain Cossette Christian, Shield #1756 (Active)
- Correction Officer Gary Davis, Shield #5658 (Resigned)
- Correction Officer Jose Ortiz, Shield #9124 (Active)
- Correction Officer Micah Brown, Shield #3042 (Resigned)

At least one additional individual present in the video remains to be identified. We discussed these developments with Plaintiff during a legal call on January 31, 2025, and he consented to the application before the Court, to allow the City the time needed to identify the remaining individual or individuals.

Given these significant developments and its obligation to provide accurate information to both the Court and Plaintiff, the City respectfully requests that all deadlines be held in abeyance for 30-days, in order to prepare and submit a corrected Valentin response and to inform the Court and Plaintiff whether it is prepared to accept service on their behalf.

The City thanks the Court for its time and consideration of this request.

Respectfully Submitted,

J oseph Zangrilli /s/

Joseph Zangrilli
Attorney for Defendant City
Senior Counsel
New York City Law Department
100 Church Street
New York, NY 10007
(212) 356-2657
jzangril@law.nyc.gov

Cc: **VIA FIRST CLASS MAIL**
Robert Lee Murray
B&C: 9902300038
North Infirmary Command
15-00 Hazen Street
East Elmhurst, NY 11370